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**NOT FOR PUBLICATION**

- a. \$250,000 for liquidated damages;
  - b. \$224,614.89 in Recurring Fees;
  - c. \$173,333.33 due under the Note in outstanding principal;
3. Wingate is awarded prejudgment interest on liquidated damages, Recurring Fees, and the amount due under the Note in an amount to be determined by the Court upon Wingate's submission of an affidavit containing itemized calculations of such interest according to the applicable contracts through the date of this Order within 30 days of the date of this Order;
4. The First, Second, Fourth, and Sixth Counts of the Verified Complaint are dismissed with prejudice;
5. Wingate's motion for summary judgment is granted as to each of the counts asserted against it in Defendants' Counterclaim, and the Counterclaim is dismissed with prejudice; and
6. Wingate is awarded attorneys' fees and costs of suit in an amount to be determined by the Court upon Wingate's submission of an affidavit setting forth its attorneys' fees and costs of suit within 30 days of the date of this Order.

**/s William H. Walls**  
United States Senior District Judge